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JUN 09 2004PATENT
Docket Number: 16356.583 (DC-02750)
Customer No. 000027683**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****OFFICIAL**In re application of:
Merkin, et al.Serial No. 09/077,010
716

Filed: January 25, 2001

For: SYSTEM AND METHOD FOR
PROVIDING A FAULT-RESILIENT
BOOT§
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Examiner: Le, Dieu Minh T.

Group Art Unit: 2184

AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed October 27, 2003, please amend the
above-identified application as follows:**BEST AVAILABLE COPY**

PATENT
Docket Number: 18356.583 (DC-02750)
Customer No. 000027683

INTRODUCTORY COMMENTS

Claims 1, 9 and 14 are amended and claims 1-20 remain in the application. Re-examination and reconsideration of the application, as amended, are requested.

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PATENT / DOCKET NO. 16356.583 (DC-02750)
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Merkin, et al.

Serial No. 09/077,010

Filed: January 25, 2001

For: SYSTEM AND METHOD FOR PROVIDING
A FAULT-RESILIENT BOOT

Group Art Unit: 2184

Examiner: Le, Dieu Minh T.

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office action dated October 27, 2003, enclosed are the following regarding the above-identified patent application:

1. Amendment and Request for Reconsideration Under 37 CFR §1.111;
2. Return postcard; and
3. Transmittal letter.

☐ Small entity status of this application has been established by a previously submitted verified statement under 37 C.F.R. §§ 1.9 and 1.27.

☒ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE
TOTAL	20	minus	20	=	0	x 9	\$ _____	OR	x 18
INDEP	3	minus	3	=	0	x 42	\$ _____	OR	x 84
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 140	\$ _____	OR	+ 280
						TOTAL	\$ _____	OR	TOTAL

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ Please charge Deposit Account No. [08-1394 H&B] in the amount of \$ _____.
☐ A check in the amount of \$ _____ is attached.
☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. [08-1394 H&B, Order No. 16356.583 (DC-02750)].

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PATENT / DOCKET NO. 16356.583 (DC-02750)
Customer No. 000027683

- [X] Any additional filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
[] Any patent application processing fees under 37 C.F.R. § 1.17.
[] A copy of this sheet is enclosed.

Respectfully submitted,


James R. Bell
REGISTRATION NO. 28,528

Date: 1-9-04
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Phone: 512/867-8407
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A-158134_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
on	<u>1/9/04</u>
Date	<u>ML</u>
Signature	<u>NISHI PASAREYA</u>
Typed/Printed name of person signing Certificate	

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JUN 09 2004

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Fax Transmittal

OFFICIAL

DATE: June 9, 2004

Total Pages Including Cover: 16

TO:	Examiner Le	Company:	US Patent and Trademark Office
Fax #:	703/872-9306	Phone #:	703/305-9408
Client/Matter #:	16356.583		

FROM:	James R. Bell	Haynes and Boone, LLP
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Should you have any problems with this transmittal, please call: (512) 867-8516

MESSAGE:

Per your request, attached is a copy of the Amendment filed January 9, 2004 and postcard acknowledgement in connection with Serial No. 09/077,010.


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Should you have any questions, please contact us.

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DESCRIPTION OF PAPER		In response to Office Action dated October 27, 2003, the enclosed Amendment Under 37 C.F.R. 1.111 (12 pages); Transmittal Letter (two pages); and this return postcard, received in the Patent and Trademark Office on the date stamped hereon.	
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FEB 18 2004			
HAYNES & BOONE LLP			
			
APPLICANT	Merkin, et al.		
SERIAL NO.	09/077,010	DATE FILED	January 25, 2001
ATTORNEY DOCKET NO.	16356.583 (DC-02750)		
TITLE	SYSTEM AND METHOD FOR PROVIDING A FAULT-RESILIENT BOOT		
SENDER'S INITIALS	JRB:np	DATE MAILED	1/9/04